



TOWN OF WATERTOWN
Zoning Board of Appeals
Administration Building
149 Main Street
WATERTOWN, MASSACHUSETTS 02472

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ZONING BOARD OF APPEALS
DECISION

On January 28, 2015, the Zoning Board of Appeals heard case # ZBA-2014-26 SP/ SR after a continuance of this case at their meeting on December 17, 2014. The following is the decision of this board.

Case #:	ZBA-2014-26 SP/SR
Subject Property:	631, 653, 655 Mount Auburn Street & 268 Arlington Street
Parcel ID:	1230-4-0; 1230-5-1; 1230-6A-0 and 1230-2-14
Zoning District:	LB (Limited Business) Zoning District
Petitioner(s):	Robert Korff, Agent, Coolidge Square II, LLC and Attorney William York, representing Coolidge Square II, LLC
Owner:	Coolidge Square II, LLC and Coolidge Square I, LLC
Zoning Relief Sought:	Special Permit w/ Site Plan Review §5.01(3)(f)(2) Retail - New construction greater than 4,000 s.f. §5.05(d) Omit side yard (westerly side adjoining Mt. Auburn Grille)
Special Permit Granting Authority:	Zoning Board of Appeals
Site Plan Review Meeting(s):	July 29, 2014
Staff Recommendation:	Conditional Approval, November 4, 2014
Planning Board Recommendation:	Denial, December 10, 2014 (also heard on October 8, 2014 and November 10, 2104)
Zoning Board Hearing:	Conditional Approval, January 28, 2015 (also heard on December 17, 2014)
Recorded with Town Clerk:	February 11, 2015

I. PUBLIC NOTICE (M.G.L. c. 40A, §11)

A. Procedural Summary

Petition # ZBA-2014-26 SP/SR was scheduled to be heard by the Zoning Board of Appeals on October 29, 2014. It was heard on December 17, 2014 and continued to January 28, 2015. The Planning Board was scheduled to hear the case on October 8, 2014. It was heard on November 10, 2014, and continued to December 10, 2014.

As required by M.G.L. c. 40A, sec.11 and the Watertown Zoning Ordinance, notice includes:

- Published in the newspaper of record (*Watertown TAB*) on October 3, 2014 and October 10, 2014 and re-published on October 31, 2014 and November 7, 2014;
- Posted in the Town Administration Building and on the Town Website on October 17, 2014 and re-posted on October 29, 2014;
- Mailed to Parties in Interest on September 24, 2014 and again on October 30, 2014.

B. Legal Notice

631, 651-653, 655 Mt. Auburn Street & 268 Arlington Street

*“Robert Korff, Agent, Coolidge Square II, LLC, 57 River Street, Suite 106, Wellesley, MA 02481, herein requests the Zoning Board of Appeals grant a **Special Permit with Site Plan Review** from Watertown Zoning Ordinance §5.01.3(f.2), Retail, New Construction >4,000 s.f. and 5.05(d), Omit Side Yard Setback, so as to raze existing buildings to construct a 13,000 s.f. single-story building with 41 surface parking spaces (proposed use: CVS Pharmacy). LB (Limited Business) Zoning District. ZBA-2014-26”*

II. DESCRIPTION

A. Site Characteristics

The site is 39,769 square feet (.90 acres), in three parcels, and is zoned Limited Business (LB). The combination of parcels that make up the site include an existing operating gasoline station with 4 pumps (two filling stations) with a 1,200 square foot automobile service garage (655 Mount Auburn Street), a vacant 10,800 square foot office building (653 Mount Auburn Street), and an 8,960 square foot Elks Club of Watertown (268 Arlington Street). There currently is no open space or pervious areas within the site. Site access points are currently provided by a full-access driveway along Mount Auburn Street, three (3) full access driveways along Arlington Street, and two (2) right-in/right-out driveways to the rear of the property to Wells Avenue. The Elks Club, next to Toward Independent Living and Learning, Inc. (TILL), as well as the gasoline station and the existing vacant office space on Mount Auburn Street between the gas station and the Mount Auburn Grille will be demolished.

B. Surrounding Land Use

The project site is located in Coolidge Square, along Mount Auburn Street across Arlington Street from the Town’s old burying ground and Tufts Health. There is a municipal parking lot located directly to the south of the site that the Town leases from the property owner, with a residential neighborhood of single-family homes located further to the south on Wells Avenue. Development in Coolidge Square includes businesses such as the Deluxe Town Diner at the corner of Bigelow Avenue and Mount Auburn, and a mix of single story buildings with mixed retail along both sides of Mount Auburn Street. Primarily two-family development is located beyond Mt Auburn Street to the north.

C. Nature of the Request

The project proposes to consolidate three parcels and demolish an existing gasoline/service station, office building, and two-story (formerly Elks Club) building and redevelop the site with a 14,381 s.f. CVS pharmacy (12,803 s. f. building with a 1,381 s. f. mezzanine) with a 40 space off-street parking lot located to the side and rear. The other existing retail buildings along the block are not part of this project.

The proposal also includes a request under §5.05(d), Omit Side Yard Setback, to remove the requirement for a side yard setback adjoining the Mount Auburn Grill (which is to remain as is). The site is currently non-conforming with respect to rear and side yard setbacks, where a 20-foot rear yard and 15-foot (0 feet allowed by permit) side yard setbacks are required. The proposal would remove all non-conforming setbacks and would decrease the amount of impervious coverage from 100% to 81.2%; increase the amount of open space from 0% to 17.5%, and create internal parking open space from 0% to 10.6%.

D. Relevant Permit History

- *ZBA Decision – September 26, 1950*: Variance to raze/remove an existing gas station at the site and construct a new, larger gas station with a two-car garage (lubratorium), underground fuel storage tanks and additional on-site storage of 600 gallons of petroleum products

III. PUBLIC COMMENT

In accordance with §9.03 of the WZO, as revised 7/15/14, the Petitioner held a community meeting on August 4, 2014. The Petitioner provided DCDP staff a summary of that meeting, which was distributed to the Board for informational purposes. Letters; Emails and two signed petitions with 300 signatures were received during the course of the review process. A summary sheet and comments received were included in the packet of information delivered to the board members

At the Community Meeting, the Planning Board meetings and the Zoning Board meetings, many comments were received. The oral and written comments included both concerns and support for the proposed project.

Summary of Public Concerns

- Building design, including a proposal to structurally strengthen the first floor to allow for a second floor on the building in the future
- Building scale
- Orientation of building
- Signage or shelving inside the store covering the windows
- Signage illumination
- Traffic impacts, including turning movements into and out of the site
- Parking
- Turning movements for trucks
- Pedestrian and bicycle circulation
- Adequacy of landscaping and street trees; soil
- Cleanup of old gas station
- Adequacy of traffic mitigation
- Hours of operation

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- Hours of deliveries by vendors and CVS
 - Hours of solid waste/recycling service
 - Impacts to other businesses in Coolidge Square
 - Impacts to long-term health of existing and proposed shade trees
 - Impacts to Wells Avenue neighborhood: noise, glare from signs, site lights, automobile headlights; wrong-way travel down one-way street
 - Impacts to Coolidge Square community character
 - Fire apparatus access

Summary of Public Comments in Support

- Convenience of a drug store in the Square
- CVS will provide downward price pressure
- New CVS will enliven the Square's vitality
- Improved aesthetics, better parking
- Positive impact on existing neighborhood businesses
- Will provide major new business investment in the area
- Assisted with parking and van maneuvers on the adjacent property (TILL)
- Illumination to a dark area

IV. ANALYSIS AND FINDINGS

A. Plan Consistency

Met: The proposed development is consistent with the Town's adopted planning documents.

1. Watertown Growth Management Plan, 12/01/1988

- Creation of new zoning districts: Limited Business, Central Business, Neighborhood Business
- To provide commercial opportunities for both local and regional purposes
- Emphasize preservation of locally-oriented commercial activities
- Limited Business will be a new zoning district throughout the community that are surrounded by stable residential neighborhoods

The project is consistent with these goals, in that the CVS, and specifically a pharmacy, will be located in an area that supports demand from the neighborhood.

2. Watertown Community Development Plan, 07/2004

- Improve the appearance of the public and private streetscape of Coolidge Square including but not limited to widening sidewalks, installing and maintaining public seating and planting areas, upgrading street lighting, reviewing parking needs, and better managing pedestrian safety
- Explore traffic calming measures along 4 streets, one of which is Arlington Street, in part for pedestrian mobility

The project supports these goals. The redevelopment will provide more landscaped areas on site than are there now. The redevelopment also includes upgraded site lighting, and a proposal to

repair the malfunctioning pedestrian loops at Mt. Auburn Street/Arlington Street, as well as upgrades to the wheelchair ramps.

3. Strategic Framework for Economic Development, 08/02/2011

- Promote investment in under-utilized areas
- Shape the character of new development

The project supports these goals. The redevelopment of the parcels will remove and, as needed, remediate a gasoline station and vehicle maintenance garage. The redevelopment will also provide improvements to the streetscape, and site landscaping. The project's architectural design is in keeping with the existing business block, which is all single-story in nature and provides a corner door and substantial area of glass with clear views into the store.

4. Draft Comprehensive Plan, in progress

Although not yet adopted, the draft Comprehensive Plan's *Economic Development* section recommends mechanisms in Coolidge Square to "improve the visual quality of the public realm..." Similarly, the Comprehensive Plan's Land Use section suggests, "redevelopment activity along the Mount Auburn Street corridor should remain smaller in scale and compatible with the one- and two-story buildings in existence. However, as is the case with other sections of town, design guidelines, façade upgrades, pedestrian and bicycling amenities, and streetscape improvements such as street trees and planters, are deemed necessary."

The proposed redevelopment is in keeping with these goals. The Petitioner's proposed pedestrian improvements (discussed in more detail in the Transportation comments, below) will be a benefit to the Square. Similarly, the redevelopment of the gasoline/vehicle service station the corner of Arlington and Mount Auburn Street will complete the façade along the block, creating an active pedestrian streetscape, and will improve the site with new landscaped areas.

The Comprehensive Plan also recommends the adoption of design standards and guidelines, which has been initiated but is not complete at this time. At this time, the project is consistent with some aspects of the approach these guidelines are considering. Placing parking behind the building and presenting the façade along the sidewalk at a pedestrian scale with an active use is consistent with the concepts being considered for the guidelines. The project does not incorporate other aspects being discussed such as building a multi story project that could introduce residential or office uses to the stories above. The mixing of uses on the site could create more of a sense of place for this very prominent corner of Town. The petitioner agreed to design the structural aspects of the CVS building to allow upward expansion in the future but this is no longer being required.

B. Special Permit with Site Plan Review §5.01.3(f.2), Retail, New Construction >4,000 s.f. and §5.05(d), Omit Side Yard Setback,

Projects must meet the four conditions of approval for a Special Permit set forth in §9.05(b), §9.07, §9.08 of the WZO. In addition, the project is subject to the review procedures under §9.03 Site Plan Review of the WZO, in which the ten criteria listed in §9.03 (c) must be evaluated.

Special Permit Criteria §9.05(b)

- 1. The specific site is an appropriate location for such a use, structure, or condition.**

Conditionally Met: The development proposal is to demolish the existing gasoline/service station, office uses, and former Elks Club and redevelop the site with an approximately 13,000 square foot CVS pharmacy with a 40 space off-street parking lot.

The proposed project is in the Limited Business zoning district. According to the 1988 Watertown Growth Management Plan, which laid the framework for zoning changes, the intent of Limited Business is to help maintain and delineate local business centers. The proposal would redevelop the site to provide a street-front retail building, the CVS Pharmacy, a use that has been absent from Coolidge Square. The redevelopment will also decrease impervious surface, enhance landscaping, and provide new pedestrian amenities. The building is one-story and will not have any shadow impacts on adjacent properties.

The proposed redevelopment will eliminate three of the four existing curb cuts along Mount Auburn and Arlington Streets into one, which will reduce potential conflicts with vehicles and pedestrians. The remaining curb cut will be relocated further from Mount Auburn Street on Arlington Street, reducing impacts on the Mount Auburn and Arlington Street intersection. The two curb cuts on Wells Avenue accessing the municipal leased lot and businesses on the block will be retained with enhanced landscaping.

The architectural design includes a mix of brick with detailed brickwork and a cast stone base in keeping with historic one-story shop fronts within this area. The design creates the appearance of two retail bays with a single corner entrance along the street. The rear of the building is finished and also has an entrance. The request to eliminate the side yard setback will allow the proposed project to complete the street façade on the Mt. Auburn Street block, which is in keeping with the commercial development within Coolidge Square. As a condition of the approval, the material of the building should retain the original brick façade treatment and the exterior wall of the adjoining building should be finished, if needed, so as to be aesthetically appropriate and weather proof.

2. The use as developed will not adversely affect the neighborhood.

Conditionally Met: For pedestrians, there will be two entrances to the store. The main street-front entrance will be located at the corner of Mount Auburn and Arlington Streets, with a disabled-accessible entrance from the sidewalk. The second entrance will be along the south side of the new building, facing the parking lot. The proposal also includes new sidewalks, crosswalks, repaving and restriping the parts of the parking area not already taken up by the existing municipal parking.

As noted, the redevelopment will reduce the amount of impervious coverage and increase landscaped areas. The Petitioner proposes to install a “rain garden,” which will be incorporated into the overall landscape design. The access points will be limited and deliveries will be limited to small trucks to diminish impacts to the Wells Avenue neighborhood. Traffic impacts in the surrounding area will be mitigated as discussed below. Lights will be limited to diminish off site light pollution and lights will primarily be in operation during operating hours except for safety lighting.

The project proposes off-site traffic improvements as recommended by DPW to minimize neighborhood impacts and to improve pedestrian safety at the two most substantially impacted intersections. The Board discussed the schedule for deliveries and recommended to condition the

project to have limited hours for deliveries to weekday only. Specifically, CVS truck deliveries would be no more than twice a week and be scheduled from 7 AM to 10 PM with trucks to be no larger than a WB-40. Vendor deliveries will also only be allowed during store operating hours, which are 7 AM to 10 PM. Further, trash and recycling pick-up would be twice a week, or as required, between 7 AM and 11 AM. The petitioner agreed to these limitations during the meeting.

3. There will be no nuisance or serious hazard to vehicles and pedestrians.

Conditionally Met: As noted above, the proposed redevelopment will consolidate curb cuts along Mount Auburn and Arlington Streets, reducing potential conflicts with vehicles and pedestrians. The curb cut will be relocated further down Arlington Street, reducing impacts on the Mount Auburn and Arlington Street intersection. The two curb cuts on Wells Avenue will be retained and landscaping will be enhanced at the curb cut farthest from the intersection with Bigelow Avenue.

For pedestrians, there will be two entrances to the new CVS store. The main street-front entrance will be located at the corner of Mount Auburn and Arlington Streets, with a disabled-accessible entrance from the sidewalk. The second entrance will be along the south side of the new building, facing the parking lot. The redevelopment proposal also includes new sidewalks, crosswalks, repaving and restriping the parts of the parking area not already taken up by the existing municipal parking. The Petitioner also proposes to install bicycle parking. The site will also accommodate 40 off-street parking spaces, separate from other uses that have deeded/reserved parking areas and separate from the municipal metered spaces.

The Petitioner provided a Traffic Impact and Assessment (TIA) prepared by MDM Transportation Consultants, Inc. dated 7/20/14 and updated 8/26/14 for the proposed CVS. The 7/20/14 TIA was updated to reflect comments from Town Departments as well as input from the August 4, 2014 Community Meeting.

Based on the resultant Level of Service (LOS) with future growth, and no evidence of a significant crash history at the studied intersections, the updated TIA does not recommend mitigation or “countermeasures” to address safety impacts at the site drives or intersections. The Petitioner proposes to *“repair malfunctioning pedestrian indicators at the Mount Auburn and Arlington Street signal.”* The Petitioner also proposes to modify disabled access ramps at the intersection, to bring them into conformance with the Americans with Disabilities Act requirements.

Watertown’s consulting engineering firm was engaged to conduct a third party peer review of the TIA. The 9/25/14 World Tech report supports the Petitioner’s study methodology for crash history analysis, trip generation, trip distribution throughout the road network, projected future conditions and the capacity/Level of Service analysis. World Tech’s report; however, does recommend the Petitioner take action on two items that deal with the project’s analysis. 1) providing the configuration of the proposed driveway on Wells Avenue, and 2) providing a truck turning path diagram.

4. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

Conditionally Met: The proposal will be required to meet all building, health and safety requirements. The Petitioner also states the redevelopment will be designed in accordance with NFPA 72 and the Massachusetts State Building Code.

The Petitioner's Stormwater Drainage Analysis report, BOHLER ENGINEERING, 5/15/14, describes the proposed new stormwater management infrastructure to be installed as part of the proposed project. The report notes that after redevelopment, the runoff rates will decrease, some substantially. Proposed new stormwater infrastructure will include retrofitting existing catch basins (to remain in place) with inlet filters, new inlets, new connections to existing underground drainage systems, installation of isolators (underground chambers wrapped in fabric that captures sediment), and a Stormwater Operations and Maintenance Plan (SOMP). The SOMP includes activities to improve stormwater quality through inspection of the system for damage, twice annual sweeping of the parking areas to remove sediment, and regular system cleaning. The Department of Public Works will have final review and approval over the stormwater management system's design.

The *Landscape Plan*, shows the location of one new transformer in the landscaped area to the East/left side of the curb cut on Arlington Street. Landscape screening must be provided, and its location and screening will be subject to DCDP staff review and approval. The final landscaping proposal should be conditioned on review by the Tree Warden, in conjunction with DCDP staff, to ensure species appropriateness, mix, size, quantity and spacing prior to construction.

The Petitioner has stated that all utilities to the site are to be underground and a sanitary sewer connection will be made to the existing main on Mount Auburn Street. Sheet 10, *Landscape Plan*, shows the location of two trash containers to the northwest side of the rear CVS entrance, very close to the existing rear exit door of the Mount Auburn Grille. The Petitioner states "*trash and recycling will be serviced by a private contract.*" The Petitioner should ensure that there is adequate storage capacity inside and exterior to the store, to provide enough storage for trash and recyclables between pickups.

The provided *Lighting Plan* (Sheet 12), and exterior lighting is adequate for the location.

Site Plan Review Criteria §9.03 (c)

Prior to the official filing of the Application, a meeting of the Site Plan Review Committee was held on July 29, 2014. Present at the meeting were members of the Site Plan Review Committee (consisting of Town Staff and committees) and the Petitioner, who presented the proposal, after which members of the Committee were invited to respond with questions, comments, and suggestions. The Planning Staff has reviewed the ten criteria for Site Plan Review provided in §9.03(c) of the WZO and incorporated committee comments where appropriate. The following are the Findings as identified through analysis of the updated project and the Committee's review:

- 1. Preservation of Landscape:** *"The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Adequate landscaping shall also be provided,*

including screening of adjacent residential uses, provision of street trees, landscape islands in the parking lot and a landscape buffer along the street frontage.”

Conditionally Met: The current uses of the parcels included a substantial amount of asphalt pavement. There currently are street trees on Wells Avenue, which the Petitioner indicates will be protected during demolition/construction (See Sheet 3, *Demolition Plan*) but these trees are not on the project site.

As shown on the *Landscaping Plan* (Sheet 10) the Petitioner proposes to provide new landscaped areas on the site, including a landscaped “rain garden” drainage feature in the Southwest corner of the property. The Petitioner has also provided a new pedestrian connection between Wells Avenue and the sidewalk on Arlington and Mount Auburn Streets.

The Petitioner, based on Planning Board comments, also proposes to augment the existing tree-lined bed along Wells Avenue with understory plantings. Additional landscaping along the Arlington Street side of the building is proposed, including bicycle racks and seating areas incorporated into the design as decorative, curved walls, creating a location for public seating at this prominent location.

The Petitioner, in a September 4, 2014, email that “*smaller snow events shall be stored on site in paved and landscaped areas so as not to conflict with vehicular and pedestrian ways...*” and this is shown on control plans.

2. Relation of Buildings to Environment: *“Proposed development shall be integrated into the terrain and the use, scale and architecture of existing buildings in the vicinity and shall be in accordance with the Comprehensive Plan or other plans adopted by the Town guiding future development. The Planning Board may require a modification in massing so as to reduce the effect of shadows on abutting property in all districts or on public open space.”*

Met: The project is consistent with this criterion, in that it incorporates the proposed new CVS store into the existing streetscape, and reinforces the pedestrian experience along Mount Auburn Street. The project is also similar height to adjacent buildings. This area is prominent and could support a multi-story development and so the Petitioner had initially agreed to include additional structural supports to accommodate potential future development above the CVS store.

The Planning Board recommends that planning for future upward expansion is not necessary at this time.

3. Open Space: *“All open space required by this Zoning Ordinance shall be so designed as to maximize its visibility for persons passing the site, encourage social interaction, maximize its utility, and facilitate its maintenance.”*

Conditionally Met: As noted above, the parcels to be combined for the proposed development are currently developed with existing structures or asphalt pavement. As such, the proposed redevelopment will increase the amount of open space on the sites; through creation of landscaped areas after several structures have been demolished, and adding landscaping to parking areas. The Petitioner will also provide a new pedestrian connection between Wells Avenue and Arlington Street.

4. Circulation: *“Special attention shall be given to traffic circulation, parking areas and access points to public streets and community facilities in order to maximize convenience and safety of vehicular, bicycle and pedestrian movement within the site and in relation to adjacent streets.”*

Conditionally Met: As illustrated when comparing the *Demolition Plan* to the *Site Plan* (Sheet 3 to Sheet 4), vehicular access to the site will be consolidated to one access point on Arlington Street with a right only leaving the site. The proposed ingress at Arlington Street is 12 feet wide (Sheet 4), and enlarges to 24 feet wide as it turns and connects to the access drive near the ends of Wells Avenue. The two curb cuts accessing the Wells Avenue Municipal lot are being better defined and are each 24 feet wide with defined landscape beds within the lot. Forty surface parking spaces are provided on the site.

§607(a)(1) requires a Petitioner to provide *“one bicycle parking space for every 15 automobile spaces, with a minimum of 4 and a maximum of 50...”* According to the Petitioner, 6 bike parking spaces will be provided, which is in excess of the required number (40 vehicle spaces / 15 = 2.7). The *Site Plan* (Sheet 4) shows a location just to the left of the main entrance on Mount Auburn Street for a bicycle rack. The Petitioner should consider providing secure bicycle storage on the site for employees.

Matthew Shuman, Town Engineer, provided an analysis of the Petitioner’s proposal and generally notes that the Petitioner has taken the steps necessary to address questions related to site design and circulation issues.

5. Surface Water Drainage: *“Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Proposed developments shall seek to retain storm water runoff on site to the maximum extent possible, incorporating best practices in storm water management and Low Impact Design techniques. In cases where storm water cannot be retained on site, storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system.”*

Conditionally Met: The proposed redevelopment should improve the existing conditions, as the site is entirely paved; there currently is minimal stormwater management at the site. According to the Petitioner, the proposed project *“has been designed so that post-redevelopment runoff rates and volumes associated with...the 2-year, 10-year, 25-year and 100-year storms will be decreased as a result of the proposed stormwater management system.”* The system (Sheet 6, *Drainage Plan*) is composed of underground infiltration basins, *“stormwater quality devices,”* and a rain garden by the main access drive off Arlington Street. The Petitioner also provided a Stormwater Operations and Maintenance Plan in the application. The reduction in impervious surface, and the addition of landscaped areas and the rain garden should reduce stormwater flows.

With regard to site drainage, underground utilities, and connections to Town utilities, Matthew Shuman, Town Engineer, recommends the project be conditioned to require DPW review and approval of these proposed systems, including submission of an as-built plan drawn and stamped by a Registered Professional Engineer. The Town Engineer also recommends the project be conditioned to require the Petitioner to apply the scope and terms of the long-term Stormwater System Operation and Maintenance Plan to the entire parking lot. In addition, the condition should require that copies of all post-construction inspection and maintenance records and invoices be kept for a period of five years and be made available to DPW upon request. Finally, it is noted that Watertown reserves the right to

enter the property to perform inspection and maintenance activities, should the Owner/Applicant fail to do so, and to charge the property Owner for the costs of doing so.

6. Utility Service: *“Electric, telephone, cable TV and other such lines and equipment shall be underground. The proposed method of sanitary sewage disposal and solid waste disposal from all buildings shall be indicated.”*

Conditionally Met: The Petitioner states *“electric, telephone and cable TV services are proposed to be underground, and will be coordinated with the respective private utility companies as the project continues to move forward.”* The Petitioner also states that trash and recycling will be managed through a private contract.

Sheets 4, 5, and 6 of the Plan set show two trash enclosures/compactors to the West side of the store, at the junction between the proposed CVS and the remaining businesses that front on Mount Auburn Street. There is a concern that the location of the loading dock and trash enclosures/compactors may affect the rear door for the Mount Auburn Grille, and that trucks not impinge on the travel aisle along the back of stores that line Mount Auburn Street. The *Site Plan*, Sheet 4, shows the location of a proposed transformer pad, behind the store, and to one side of the proposed rain garden drainage feature.

Based on this, conditional approval of the project should be subject DCDP staff review and approval of the rain garden landscaping for species appropriateness, quantity, and to ensure that the transformer pad is adequately screened. The Petitioner should also provide evidence that the placement of the trash receptacles will be appropriately screened and will not impede traffic flow through the site.

The project should also be conditioned to require DPW review and approval of the utility service locations and connections to Town infrastructure, as recommended by the Town Engineer. The condition will require submission of an as-built plan drawn and stamped by a Registered Professional Engineer.

7. Environmental Sustainability: *“Proposed developments shall seek to diminish the heat island effect; employ energy conscious design with regard to orientation, building materials and shading; utilize energy-efficient technology and renewable energy resources; and minimize water use.”*

Conditionally Met: The Petitioner has reduced the amount of impervious area on the existing sites by providing new landscaped areas and a Low Impact Design (LID) “rain garden” drainage basin. The Petitioner’s application also states that roof-mounted HVAC equipment will be Energy STAR rated, and that plumbing fixtures will be water conserving and low flush. Other features include motion-sensor activated interior light fixtures, and LED exterior lighting.

8. Screening: *“Screening, such as screen plantings, shall be provided for exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures in order to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.”*

Conditionally Met: The *Site Plan*, Sheet 4, shows the location of a proposed transformer pad, behind the store, and to one side of the proposed rain garden drainage feature. The CVS will also have several

rooftop HVAC units, which will have to be screened, or placed behind and below the roof cornice so that they are not visible from public views. Based on this, conditional approval should be based on the Petitioner indicating the location of HVAC systems with appropriate screening prior to building permit.

The Petitioner also proposes a vegetated island with a mix of deciduous shade trees and evergreen screen plantings at the south (rear) of the store, which separates the travel aisle to the service side of the store and the parking lot for the Mount Auburn Grille and the Municipal parking area. The purpose of the planting is to shield the Wells Avenue residential area to minimize existing and new impacts of the parking lot.

9. Safety: *“With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment.”*

Conditionally Met: The Petitioner states that the proposed structures will be built in accordance with all applicable Federal, State, and Local laws, specifically Sections 6.02 and 6.04 of the WZO. The main driveway at Arlington Street includes a mountable center island and curbing, for emergency vehicle access. The building and facility comply with all building codes and the project has been reviewed during Site Plan by Police and Fire. There is visibility and access to three sides of the building, with the fourth sharing a wall with the existing buildings in the block, therefore accessibility is provided.

10. Design: *“Proposed developments shall seek to protect abutting properties from detrimental site characteristics resulting from the proposed use, including but not limited to air and water pollution, noise, odor, heat, flood, dust vibration, lights or visually offensive structures or site features.”*

Conditionally Met: The proposed project includes a parking lot pole mounted and on-building mounted lights. Sheet 12, *Lighting Plan*, details the parking lot pole lighting. It consists of one type of LED fixture from Hubbell (EXO Cimarron LED) with three head configurations for a total of seven luminaries. No details are provided on total fixture height (base + pole + head). Planning Staff notes that in response to a question posed by the Town Engineer, BOHLER Engineering states in a 9/30/14 letter that the exterior lighting in the Town’s Wells Avenue lot will also be replaced as part of the CVS redevelopment.

The proposed revised exterior elevations show proposed goose-neck top-down mounted exterior lights over the store entries. No details are provided as to any additional sign illumination or other on-building mounted lights. Based on this information, Planning Staff recommends conditional approval subject to:

1. The Petitioner submitting updated Plans that show the proposed maximum mounting height of all pole-mounted exterior light fixtures and the placement of any additional exterior on-building or on-site fixtures prior to building permit
2. The Petitioner submitting manufacturer’s technical cuts for any additional on-building or site lighting other than the previously described pole mounts or sign goose-necks
3. The Petitioner provide all fixtures with full cut off exterior shields to eliminate any spillover lighting onto adjoining properties.

Matthew Shuman, Town Engineer, provides an analysis of the Petitioner’s proposed *Demolition Plan*. Mr. Shuman notes, *“the location of the existing contamination [from the former gasoline station use] is generally limited to the northern-most corner of the site. Contaminated soil will be removed in*

accordance with State requirements. It is the opinion of the [Petitioner's] consultant that the site [in the northeast corner] is suitable for infiltration of stormwater."

The Town Engineer also recommends a condition that after demolition of the buildings on-site and prior to commencement of earth moving activities, the Applicant shall perform a minimum of two additional test pits within the footprint of the infiltration system, underneath the former building footprint. The test pits shall be observed and logged by a competent soils professional. In the event that the soil conditions underneath the former building vary from those assumed during engineering design of the infiltration system, the Applicant shall redesign the system to account for the observed soil conditions. The redesign shall be reviewed and approved by DPW prior to the start of earth moving activities.

V. STAFF RECOMMENDATION:

Based on the information submitted for the record, the Planning Staff recommended that the proposed project meets the criteria set forth under §9.03(c), §9.05 (b), and is consistent with the general purpose of the Ordinance outlined in §1.00 of the WZO. Planning staff also recommends that a Special Permit with Site Plan Review under §5.01(3)(f)(2) *Retail - New construction greater than 4,000 square feet*, and §5.05(d) *Omit side yard* be **granted** with conditions.

VI. PLANNING BOARD RECOMMENDATION:

At their 12/10/14 meeting, the Planning Board Voted 3-1 (with Member Brennock voting in favor) to **deny the proposed project** based on the information submitted for the record and testimony received the proposed project does not meet all of the criteria set forth under §9.03(c) and §9.05 (b). Specific concerns related to traffic; the scale of the project as it relates to other uses in the Square; the project design; and the oral and written comments from the most impacted neighborhoods.

Member Brennock felt that a mix of uses needed balance and a pharmacy would provide that. He noted that traffic was a problem throughout Watertown and that the improvements were appropriate.

VII. ZONING BOARD OF APPEALS DECISION:

The Zoning Board of Appeals heard this petition on 12/17/14 and continued the case to allow the petitioner to address concerns related to pavement markings and street signage; improvements to lighting; rooftop screening; offsite pedestrian improvements; clarifications about a future easement; adding another street tree; exterior wall finish on Mt Auburn Grill; post-occupancy traffic; and, site landscaping.

At the Board meeting on 1/28/15, the petitioner reviewed enhancements: adding a street tree, subject to Tree Warden approval; cast stone at front-entry vs. red brick (however, the board requested the red brick remain); signal upgrades at Mt. Auburn St and Arlington St., upgrade sidewalks to be ADA compliant; camera installation for video control (phasing sequence) – also at Bigelow Ave., 'Do Not Block' signs at intersection of Wells St at Bigelow Ave (with pavement markings); additional 'No Parking' signage; the building does not need to support additional stories; no unscreened rooftop equipment.

The Board stated the use is not in question – the property owner has a right to develop site. The traffic mitigation money will make pedestrian access safer; installation of ADA curbing and signals is significant; closing several curb openings and leaving one is a safer entry/exit; no deliveries on Saturday or Sunday and limiting delivery hours during the week to 7 am – 10pm; allowing TILL Company to pass through the parking lot provides safer transportation and traffic from Wells Ave; a roof plan is required to be

submitted with screening shown; traffic review in one year conditioned ; examine and provide suitable soils for planting; consider donation to DCR Stewardship program.

Member Ferris motioned to approve with the conditions submitted since last meeting and the conditions noted above (7am-10pm deliveries; exterior brick; soil for tree planting; stewardship). Member Gannon seconded. Voted 5-0, **granted** (note Member Heep absent; Member Chander voting).

VIII. CONDITIONS:

The table below lists the conditions of approval including timeframes for compliance:

#	Condition	Timeframe for Compliance	To be Verified by
1.	<p>Control Documents. This approval is based upon the application materials and the Control Documents titled <i>“Site Development Plans: CVS Pharmacy, 631, 653, 655 Mount Auburn Street & 268 Arlington Street, Watertown, MA”</i> for Watertown Development, LLC/Mark Investments, set dated July 9, 2014, revised 10/28/14 and 01/06/2015, submitted by the Petitioner, as modified by these conditions:</p> <ol style="list-style-type: none">1. Sheet 1, Cover2. Sheet 2, General Notes List3. Sheet 3, Demolition Plan4. Sheet 4, Site Plan5. Sheet 5, Grading Plan6. Sheet 6, Drainage Plan7. Sheet 7, Utility Plan8. Sheet 8, Soil Erosion & Plan9. Sheet 9, Soil Erosion Control Notes & Details Sheet10. Sheet 10, Landscape Plan11. Sheet 11, Landscape Notes & Details Sheet12. Sheet 12, Lighting Plan13. Sheet 13, Paving Detail Sheet14. Sheet 14, Construction Detail Sheet15. Sheet 15, Construction Detail Sheet16. Sheet 1 & 2: ALTA/ACSM LAND TITLE SURVEY, dated 8/2/13 by John Lynch, Professional Land Surveyor (#40407), for Control Point Associates, Inc.17. Sheet A-1, Preliminary Floor Plan (interior), dated 9/5/1418. Sheet A-4.1, Exterior Elevations, dated 9/5/14 (Approval is for all brick façade with cast stone base only but keep Coolidge Square ‘monument’ on landscape rendering. Update control sheets to be submitted and approved by DCDP)19. Sheet – 1 – WB-40 Truck Exhibit dated 10/28/1420. Traffic Management Plan for Sidewalk and Utility Improvements Sheets 1& 2	Perpetual	ZEO/ ISD

	21. Traffic Mitigation Summary Letter – Mt Auburn/Arlington Streets and Mt Auburn/Bigelow Avenue, by MDM Transportation Consultants dated 10/29/2014		
2.	Plan Modifications. Neither the Petitioners nor any present or future owner of any interest in the project shall change or modify either the control plans referenced in this decision, or the project itself, without first filing a formal request with the DCDP Director, Zoning Enforcement Officer, and Building Inspector, for an opinion as to whether or not such change or modification requires further review from the Special Permit Granting Authority. Minor modifications may be considered and approved by the DCDP Director that are found to be consistent with the project approval granted by the Special Permit Granting Authority.	CO	ZEO/ ISD/TE/DPW
3.	Permit Expiration. In accordance with WZO §9.13, a Special Permit granted under §9.04 shall lapse one year from the date of grant thereof if substantial use thereof has not sooner commenced except for good cause, or, in the case of a permit for construction, if the construction has not begun by such date except for good cause, or as allowed by applicable State or Federal law.	Perpetual	ZEO
4.	Recordation. Upon application for a Building Permit, the Petitioners shall provide evidence to the Zoning Enforcement Officer that this entire decision has been filed with the Registry of Deeds, and/or Land Court.	BP	ZEO
5.	Codes/Regulation Compliance. The Petitioners shall comply with all other applicable local, state, and federal requirements, ordinances, and statutes. DPW reserves the right to enter the property to perform inspections and maintenance activities on stormwater facilities, should the Owner/Petitioner fail to do so, and to charge the Owner for the costs of doing so.	CO/Perpetua l	ZEO/ISD
6.	Certificate of Occupancy/Final Inspection. A copy of the Building Permit with final approval signatures from all relevant inspectors must be submitted to the Zoning Enforcement Officer upon completion of the project.	CO	ZEO
7.	Demolition and Construction. The Petitioners and/or Site Contractor shall: A. Provide a plan for the control and mitigation of accumulation of standing water for the prevention of vector borne diseases to the Health Department (Nuisance Control Regulation Section 3F.) B. Provide a plan for the control and mitigation of on-site noise, odors, dust, asbestos, and rodent abatement to the Health Department. C. Submit a plan for vehicle parking and traffic management during construction. D. Provide a plan that includes protection measures for existing trees on and around the site and coordinate with DPW on implementation of temporary traffic signal changes during the construction period.	Prior to Demo Permit	Health/ Police/DPW /ISD
8.	Soils Testing. The Petitioner shall, after demolition of on-site buildings and structures,	Prior to Start of Earth-	DPW

	but prior to commencement of earth-moving activities, perform a minimum of two additional test pits within the footprint of the infiltration system, underneath the former building footprint. The test pits shall be observed and logged by a competent soils professional. In the event that the soil conditions underneath the former building vary from those assumed during engineering design of the infiltration system, the Petitioner shall redesign the system to account for the observed soil conditions. The redesign shall be reviewed and approved by DPW prior to the start of earth moving activities.	Moving Activities	
9.	As-Built(s). The Petitioners shall: A. Submit a certified " <i>as-built</i> " foundation plot plan showing all dimensional setbacks at the time of foundation inspection, and that show topography, as-built surface conditions and sub-surface utilities, the stormwater management system, and connections to the Town's utilities. B. The Plans submitted shall show how the completed plan(s) differ from those plans shown in the Control Documents. C. Submit two copies of the final "as-built" plans, one Mylar and one paper copy, of the same scale as the Control Documents.	BP/CO	ZEO/ISD/ DPW
10.	Signage. A. No signs shall be permitted except those that meet the signage requirements in Article 7 of the WZO, and those shall be subject to a separate review and permit process. B. The Petitioner shall ensure that the windows remain free of advertising and that views into the store from the public sidewalks are not blocked by interior shelving other than as shown on the control plans	Perpetual	Planning
11.	Stormwater. DPW review and final approval of the stormwater design is required prior to Building Permit. The Petitioner and/or Site Contractor(s) shall, at a minimum: A. Apply the scope and terms of the Stormwater Operations and Maintenance Plan to the entire parking lot. B. Keep copies of all post-construction records and invoices for a period of at least five years. C. Make post-construction records and invoices available to Town DPW staff upon a written request. Prior to the issuance of a Certificate of Occupancy: D. Install a manhole for inspections where the stormwater infiltration system (2) and the overflows from the "rain garden"/retention area underdrains connect. E. Install inlet filters. F. Replace the existing catch basin at the Arlington Street entrance. G. Provide a location for snow storage. H. Update the stormwater O&M plan to include 2 x annual inspections of catch basins, and annual catch basin cleaning of the Project Site	BP/CO /Perpetual	ZEO/DPW
12.	Sewer/Fire Protection. DPW review and final approval of the sewer	BP	ZEO/DPW/

	<p>connection and fire service design is required prior to Building Permit. The Petitioner and/or Site Contractor(s) shall, at a minimum:</p> <p>A. Provide a report detailing an inspection of the sewer lateral from the proposed building to the Mount Auburn Street public sewer.</p> <p>B. Locate the fire service lateral as directed by the DPW and Fire Dept.</p>		Fire Dept.
13.	<p>Site Plan/Transportation. The Petitioners and/or Site Contractor(s) shall:</p> <p>A. Prior to issuance of a Building Permit, submit construction plans of all off-site improvements for review and approval by DCDP and DPW staff.</p> <p>B. Prior to issuance of a Certificate of Occupancy, complete off-site improvements to the satisfaction of the DPW.</p> <p>C. Prior to issuance of the Building Permit, provide updated plans to DCDP staff that include the location and screening of all HVAC equipment/systems and any other rooftop equipment.</p> <p>D. Prior to issuance of a Building Permit, submit final documentation of all exterior lighting for the site to DCPD staff for review and approval.</p> <p>E. Prior to issuance of a Certificate of Occupancy, Sheet 10, <i>Landscape Plan</i> shall be subject to review and approval by Watertown's Tree Warden/Conservation Agent and DCPD Staff for species appropriateness, mix, size, quantity, and spacing.</p> <p>F. Install corner stones, sidewalk, granite curbing and other access/egress, driveway and hard streetscape improvements as directed by the DPW.</p> <p>G. As show, provide pedestrian accommodation from Arlington Street entrance to the access point at Wells Avenue.</p> <p>H. As agreed upon by petitioner, provide transportation improvements as specified in the 10/29/2014 MDM Transportation Consultants Traffic Mitigation Summary Letter, as referenced in the Control Documents.</p> <p>I. All exterior lighting for the site shall be fully shielded and full cutoff.</p> <p>J. The petitioner agrees to provide land through a friendly taking as shown on the control plans for a portion of the site (approximately 6 feet) for a future road alignment of Arlington Street at Mt Auburn Street.</p> <p>K. As an additional off site improvement, the Petitioner agrees to contribute the funds for the necessary improvements associated with installing a sidewalk, with granite curbing along the southerly (residential) side of Wells Avenue as determined by DPW.</p> <p>L. The petitioner agrees to plant an additional street tree on Mt Auburn Street if the Tree Warden determines that one can be located there. The petitioner has also agreed to contribute funds to the Town's tree fund to plant up to five street/front yard trees along Wells Avenue.</p> <p>M. The petitioner agrees to provide suitable soils within the parking lot around shade trees (structural soils will be required where necessary in review with the Tree Warden and DCDP).</p>	BP/CO/ Perpetual	ZEO/DPW
14.	<p>Refuse/Recycling. The Petitioner shall:</p> <p>A. Provide on-site recycling for all Department of Environmental</p>	BP/Perpetual	ZEO

	<p>Protection (DEP) <i>Waste Ban</i> materials.</p> <p>B. Provide timely collection and removal from the site of solid waste/refuse and recycling by a private waste management company.</p> <p>C. Ensure that companies that service the CVS for solid waste/recycling removal generally do so only two times in a seven day period (twice weekly) between the hours of 7:00 AM and 11:00 AM. This period excludes Saturdays and Sundays.</p> <p>D. Notwithstanding the requirement of Condition 14(B), the Petitioner may have the trash and recycling serviced more frequently as required to prevent attraction of vermin to the trash containers.</p>		
15.	<p>Hours of Operation and Deliveries.</p> <p>A. The maximum size of CVS or independent vendor delivery trucks serving the CVS shall not exceed a WB-40/Intermediate Semitrailer vehicle in overall size.</p> <p>B. Deliveries from CVS to the store shall occur only two times in a seven day period (twice weekly) and shall occur only between the hours of 7:00 AM and 10:00 PM to exclude Saturdays and Sundays.</p> <p>C. Vendor deliveries (<i>Not to include CVS; See Condition 15(B)</i>) to the store shall occur 7:00 AM to 10:00 PM to exclude Saturdays and Sundays.</p> <p>D. The store may operate only between the hours of 7:00 AM and 10:00 PM, seven days a week.</p>	Perpetual	ZEO
16.	<p>Building Design.</p> <p>A. The Petitioner will ensure there is a separate wall to the adjoining property, the Mount Auburn Grill during the demolition of office building, (formerly known as Souza True Engineering)</p> <p>B. Stucco, paint, or otherwise repair and finish the wall that is uncovered, depending on the material that is uncovered in the demolition.</p>	Post Demo	DCDP
17.	<p>Traffic Monitoring.</p> <p>The Petitioner shall undertake a traffic counting program after twelve (12) months of store opening. The counting shall be conducted at the Site's curb cuts on Arlington Street and Wells Avenue comprising Turning Movement Counts (TMCs) from 7 AM to 8 PM on a Tuesday, Wednesday, or Thursday and from 7 AM to 3 PM on a Saturday to reflect typical traffic conditions in the area, defined as a non-holiday period when school is in session.</p> <p>At the completion of the traffic monitoring the Applicant shall prepare a traffic memo that compares the actual counts derived from the monitoring with the projections of the project. (Trip Generation and LOS Analysis as listed within the Control Documents). Figures shall clearly depict the AM, PM and Saturday vehicle distribution at each of the curb cuts.</p>	1 Year from Store Opening	DCDP

	<p>If the results of the monitoring reports contains traffic counts significantly different than the projected AM, PM or Saturday peak hour vehicle trips represented in the Control Documents or the distribution patterns are significantly different, then the DCDP Director reserves the right to require the Applicant to conduct additional analysis. Should the analysis identify adverse operational issues that can be directly linked to the proposed project, the Director may require additional traffic mitigation measures off-site. The applicant shall fund such improvements at a cost not to exceed \$100,000.</p> <p>If the Department Director is of the opinion that an independent peer review of any of the traffic monitoring reports required in this Decision is necessary the Applicant shall fund said assistance to the Town, with the cost not to exceed \$7,500.</p>		
18.	The petitioner agrees to provide \$10,000 to support DCR's Watertown-Cambridge Greenway paid into DCR's Parks Trust Fund earmarked for utilization for design and/or construction of Phase Two of the Watertown/Cambridge Greenway.	CO	DCDP

By the Zoning Board of Appeals:

Melissa M. Santucci Rozzi, Chair
David Ferris, Clerk
Christopher H. Heep, Member (absent)
John G. Gannon, Member
Kelly Donato, Member
Neeraj Chander, Alternate

Attest, by the Clerk to the Zoning Board of Appeals:

Louise A. Civetti

THE COMMONWEALTH OF MASSACHUSETTS
Certificate of Granting
Massachusetts General Laws Chapter 40A, Section 11

The Zoning Board of Appeals calls to the attention of the owner or petitioner of the above referenced decision, that MGL c. 40A, sec. 11 (last paragraph) provides that no Variance, Special Permit, Special Permit Finding or any Extension, Modification or Renewal thereof, shall take effect until a copy of this decision bearing the Certification of the Town Clerk that twenty days have elapsed since the filing of said decision and no appeal has been filed or that if such appeal has been filed that it has been dismissed or denied, is recorded in the Registry of Deeds for the County and District in which the land is located and indexed in the grantor index under the name of the owner of record or is recorded and noted on the owner's certificate of title.

Twenty days have elapsed since the filing of said decision and no appeal has been filed or that if such appeal has been filed that it has been dismissed or denied:

Attest, by the Town Clerk: _____ Date: _____

Received and entered with the Register of Deeds in the County of Southern Middlesex.

Attest, Register of Deeds: _____ Book _____ Page _____

This Decision to be recorded by the Land Owner.
The owner or petitioner shall pay the fee for such recording or registering.